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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In re:

ANTHONY SCOTT LEVANDOWSKI,

Reorganized Debtor.

Case Nos. 4:22-cv-02781-YGR;
4:22-cv-02783-YGR;
4:22-cv-02786-YGR; and
4:22-cv-02789-YGR
(Jointly Administered)

On Appeal from Bankruptcy Court Case No.
3:20-bk-30242-HLB

The United States of America, on behalf of the Internal Revenue Service, and California Franchise Tax Board.

Appellants,

V.

The Levandowski Residual Liquidation Trust, as successor to the Debtor in Possession, and Anthony S. Levandowski,

Appellees.

**APPELLEE'S MOTION PURSUANT TO
FEDERAL RULE OF BANKRUPTCY
PROCEDURE 8009(f) FOR
ACCEPTANCE OF DOCUMENTS
FILED UNDER SEAL**

[No Hearing Requested]

The Levandowski Residual Liquidation Trust (the “Trust”) and Anthony S. Levandowski hereby move (the “Motion”) pursuant to Federal Rule of Bankruptcy Procedure 8009(f) for this Court to accept certain documents filed under seal and/or with redactions before the United States Bankruptcy Court for the Northern District of California (the “Bankruptcy Court”).

I. FACTUAL BACKGROUND

6 One of the key terms of the global resolution reached between the Debtor, Google LLC
7 (“Google”), and Uber Technologies, Inc. (“Uber”) was the payment by Uber to Google of the
8 Main Uber Payment, the amount of which Uber requested be kept confidential. The Bankruptcy
9 Court granted numerous sealing and redaction motions surrounding the Main Uber Payment.
10 Uber has requested that the amount of the Main Uber Payment be protected from disclosure
11 before this Court as well.

II. RELIEF REQUESTED

13 By this Motion, Appellees request that this Court accept the unsealed and unredacted
14 versions of the documents listed below. These documents list the amount of the Main Uber
15 Payment, contain figures that could be used to calculate the amount, or are otherwise germane to
16 the issues before this Court.

SER Exhibit	SER Pages	Document	Date	Bankruptcy Reference
2	0052-0123	Corrected Final Award, JAMS Arbitration Case Reference No. 1100086069	December 23, 2019	Adversary Proceeding (Case No. 20-03050) Docket No. 63-1
7.	0163	Transcript of March 3, 2022 Hearing (Sealed)	March 3, 2022	n/a
8.	0164	Transcript of March 10, 2022 Hearing (Sealed)	March 10, 2022	n/a
9.	0165	Transcript of March 11, 2022 Hearing (Sealed)	March 11, 2022	n/a
10.	0166-0168	Liquidation Analysis	March 29, 2022	Docket No. 940-1

III. BASIS FOR RELIEF REQUESTED

The Bankruptcy Code and Bankruptcy Rules authorize the Court to limit the disclosure of certain confidential information to protect entities from potential harm. Section 107(b) of the Bankruptcy Code provides, in relevant part, that upon the request of a party in interest, the Court shall “protect an entity with respect to a trade secret or confidential research, development, or commercial information.” 11 U.S.C. § 107(b)(1). Similarly, Bankruptcy Rule 9018 provides that a court may protect “any entity” in respect of confidential commercial information. Fed. R. Bankr. P. 9018. Bankruptcy Rule 8009(f) provides that “a party must file a motion with the court where the appeal is pending to accept the document under seal. If the motion is granted, the movant must notify the bankruptcy court of the ruling, and the bankruptcy clerk must promptly transmit the sealed document to the clerk of the court where the appeal is pending.” Fed. R. Bankr. P. 8009(f).

13 The relief sought herein is appropriate and consistent with the Bankruptcy Court's prior
14 orders. If the Motion is granted, Appellee will notify the Bankruptcy Court of the ruling and
15 request that the clerk transmit the sealed document to this Court's clerk.

16 **WHEREFORE**, Appellee respectfully requests entry of an order granting the relief
17 requested herein and such other and further relief as the Court may deem just and proper.

18 | Dated: October 24, 2022

**GOODWIN PROCTER LLP
KELLER BENVENUTTI KIM LLP**

By: /s/ Dara L. Silveira

Dara L. Silveira

Attorneys for Appellees